

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
WEDNESDAY, JUNE 30, 2010**

MINUTE ORDER NO. 5

**SUBJECT: ADMINISTRATIVE ITEM:
SECOND CONSIDERATION AND ADOPTION OF ORDINANCES:
ORDINANCES AMENDING THE ZONING ORDINANCE AND SAN
DIEGO COUNTY CODE RELATING TO MEDICAL MARIJUANA,
POD 09-007 (DISTRICTS: ALL)**

OVERVIEW:

On June 23, 2010 (1), the Board of Supervisors introduced Ordinances for further consideration and adoption on June 30, 2010.

On August 5, 2009 (6) the County Board of Supervisors adopted an interim urgency ordinance enacting a moratorium on the establishment of medical marijuana facilities. The interim urgency ordinance was adopted to allow County staff the time needed to study how medical marijuana facilities should be permitted and determine the appropriate regulations for such uses.

As a result, amendments to the San Diego County Code of Regulatory Ordinances are proposed to add a new chapter to provide licensing and operational requirements relating to the establishment of medical marijuana collective facilities. This action will also add new language to the County Zoning Ordinance regarding the siting of medical marijuana collective facilities.

The ordinances are intended to implement the Compassionate Use Act of 1996 and the State Medical Marijuana Program Act by establishing reasonable and uniform regulation and licensing requirements that will allow qualified patients and primary caregivers to collectively or cooperatively cultivate marijuana for medical purposes, and at the same time protect the public health, safety and welfare of communities, within the unincorporated county.

Additionally, on June 23, 2009 (20), the Board of Supervisors directed the Chief Administrative Officer to amend the Zoning Ordinance to prohibit illegal, non-medical marijuana dispensaries from operating within the unincorporated area of the county. This action includes Zoning Ordinance amendments responding to this direction.

FISCAL IMPACT:

The adoption of the regulatory ordinance will result and create an additional workload for the Sheriff's Department. The staffing implications and increased workload are due to the inspection and verification requirements of the new proposed regulation. Depending on the size of the collectives in the unincorporated areas of the county, staff anticipates a minimum of 60 additional staffing hours per week to handle the number of verifications and inspections at cultivation sites. This will necessitate the need for one additional Deputy Sheriff and one Licensing Specialist. Funds for this request are not budgeted, but as part of a funding source,

it is the intent of the Sheriff's Department to develop a processing fee which includes a full cost recovery. Fees for the implementation and process of this regulation could range between \$15,000-\$20,000 per collective.

Department of Planning and Land Use costs associated with increases in building permit submittal would be covered by existing building permit fees. Therefore, Department of Planning and Land Use staffing needs are not expected to increase.

BUSINESS IMPACT STATEMENT:

The ordinances propose amendments to the Zoning Ordinance and County Code of Regulatory Ordinances which would include regulations pertaining to the siting of Medical Marijuana Collective Facilities. Pursuant to State Attorney General Guidelines for the Security and Non-diversion of Marijuana Grown for Medical Use (Attorney General Guidelines), these facilities are required to operate in a non-profit capacity. Therefore the adoption of this ordinance would not have a fiscal impact to County businesses.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Adopt Ordinance (Attachment B) entitled:

AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING MEDICAL MARIJUANA COLLECTIVE FACILITIES.

2. Adopt Ordinance (Attachment C) entitled:

AN ORDINANCE AMENDING THE ZONING ORDINANCE TO PROHIBIT NON-MEDICAL MARIJUANA DISPENSARIES WITHIN THE UNINCORPORATED AREA OF THE COUNTY OF SAN DIEGO.

3. Adopt Ordinance (Attachment A) entitled:

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE TO ADD TITLE 2, DIVISION 1, CHAPTER 25 ADOPTING REGULATIONS RELATING TO MEDICAL MARIJUANA COLLECTIVE FACILITIES.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Jacob, the Board took action as recommended, adopting Ordinance No. 10060 (N.S.), entitled: AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE TO ADD TITLE 2, DIVISION 1, CHAPTER 25 ADOPTING REGULATIONS RELATING TO MEDICAL MARIJUANA COLLECTIVE FACILITIES; adopting Ordinance No. 10061 (N.S.), entitled: AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING MEDICAL MARIJUANA COLLECTIVE FACILITIES, and adopting Ordinance No. 10062 (N.S.), entitled: AN ORDINANCE AMENDING THE ZONING ORDINANCE TO PROHIBIT NON-MEDICAL MARIJUANA DISPENSARIES WITHIN THE UNINCORPORATED AREA OF THE COUNTY OF SAN DIEGO.

AYES: Cox, Jacob, Slater-Price, Horn

NOES: Roberts

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State of California)

County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

THOMAS J. PASTUSZKA

Clerk of the Board of Supervisors

By 

Marvice E. Mazyck, Deputy

